

REMARKS

Applicants have carefully reviewed the Application in light of the Final Office Action transmitted July 22, 2008 (*"Final Office Action"*). Claims 1-29 are pending in the Application. The Examiner allows Claim 29 and rejects Claims 1-28. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

I. Finality of Rejections

Applicants request withdrawal of the finality of the *Final Office Action*. According to M.P.E.P. § 706.07(a), "[u]nder present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims nor" Applicants contend that the Examiner introduces a new ground of rejection within the *Final Office Action*, which is not necessitated by Applicants' amendment of the claims.

By incorporating any mere stylistic changes or dependent limitations into the claims, Applicants have not added additional subject matter that would require a new search by the Examiner. For example, by reciting "packet-based audio devices to participate in a communication session," the original claim language (viewed in light of the specification) taught "packet-based telephony devices;" therefore, the claim amendment replacing "audio" with "telephony" to emphasize the limitation of the devices to participate in a communication session was included as a mere stylistic change. Accordingly, Applicants contend that the Examiner introduces a new ground of rejection that is not necessitated by Applicants' amendment of the claims.

II. Rejections under 35 U.S.C. § 103

The Examiner rejects Claims 1-28 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0190508 issued to Houghton et al. (*"Houghton"*) in view of U.S. Patent No. 7,110,416 issued to Selin (*"Selin"*). Applicants respectfully traverse this rejection and submit *Houghton* and *Selin*, whether taken alone or in combination, fail to teach or suggest the combination of limitations recited in the claims.

Consider Applicant's independent Claim 1, which recites:

A method for coordinating operation of packet-based telephony devices comprising:

discovering a plurality of packet-based telephony devices within an acoustic space;

initializing the packet-based telephony devices to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session;

generating an output stream for the packet-based telephony devices comprising a plurality of packets each including digitally encoded audio from a remote participant in the communication session;

calculating a time for play out of a selected one of the packets;

providing the output stream to the packet-based telephony devices; and

commanding each of the packet-based telephony devices to output the audio from the selected packet at the calculated time.

Among other aspects, *Houghton* and *Selin*, whether taken alone or in combination, fail to teach or suggest (1) "discovering a plurality of packet-based telephony devices within an acoustic space;" and (2) "initializing the packet-based telephony devices to participate in a communication session."

A. *Houghton* and *Selin* fail to teach or suggest discovering a plurality of packet-based telephony devices within an acoustic space.

As teaching these aspects, the *Office Action* points to *Houghton*, paragraph 22. *Office Action*, p. 3. In the cited portion, *Houghton* describes that "a signal processing system is employed to interface voice telephony devices with packet-based networks." ¶ 22. Applicants respectfully submit that the cited portion of *Houghton* fails to teach or suggest discovering anything, much less "discovering a plurality of packet-based telephony devices within an acoustic space," as Claim 1 requires. *Selin* fails to remedy the deficiencies of *Houghton*.

Accordingly, *Houghton* and *Selin*, whether taken alone or in combination, fail to teach or suggest "discovering a plurality of packet-based telephony devices within an acoustic space," as Claim 1 requires.

B. *Houghton* and *Selin* fail to teach or suggest initializing the packet-based telephony devices to participate in a communication session.

Claim 1 requires “initializing the packet-based telephony devices to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session.”

As teaching these aspects, the *Office Action* points to *Houghton*, elements 10, 12a, 12b, 13a, and 13b, and paragraph 23. *Office Action*, p. 3. In the cited portion, *Houghton* describes that “[p]acket-based network 10 provides a communication medium between telephony devices. Network gateways 12a and 12b support the exchange of voice between packet-based network 10 and telephony devices 13a and 13b.” ¶ 23. The cited portion of *Houghton*, however, fails to teach or suggest initializing anything, much less “initializing the packet-based telephony devices [that were discovered within an acoustic space] to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session,” as Claim 1 recites. *Selin* fails to remedy the deficiencies of *Houghton*.

Accordingly, *Houghton* and *Selin*, whether taken alone or in combination, fail to teach or suggest “initializing the packet-based telephony devices to participate in a communication session for the exchange of packet-based audio communications between participants of the communication session,” as Claim 1 requires.

Likewise, independent Claims 10, 19, and 28 include limitations that, for substantially similar reasons, are not taught or suggested by *Houghton* and *Selin*. Because *Houghton* and *Selin*, whether taken alone or in combination, fail to teach or suggest all limitations of independent Claims 1, 10, 19, and 28, Applicants respectfully request reconsideration and allowance of Claims 1, 10, 19, and 28 and their respective dependent claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of this Application.

If the Examiner feels prosecution of the present Application may be advanced by a telephone conference, Applicants invite the Examiner to contact the undersigned attorney at (214) 953-6584.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'K-P' followed by a long horizontal flourish.

Kurt M. Pankratz
Reg. No. 46,977

Date: September 29, 2008

Customer No. **05073**